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1952.

File No. Arms II/52(R)

Legal Department

B BRANCH

P 3(e)
1952

Subject:—Rules under the Indian Arms Act, 1878.

File No. Arms II 52(R)

Gen. 104 o/r

23-B

Legal Department.

Para. 1 of the Minutes .- The licences granted in Forms XVIII and XIX appended to the Indian Arms Rules, 1951, are merely special kinds of licences for possession of arms for sport and protection and therefore the holders of such licences also will have to get themselves registered under section 10 of the Wild Animals and Wild Birds Protection Act, 1951. No amendment of section 10 is necessary.

Para 4 .- Draft rule II(2) which has been numbered as draft rule 3(1) in the revised draft sent to A and F. D with this Department U.R.No. 20351 dated 20th December 1951 does not go beyond the provisions of section 10. The fee for registration to be levied under section 10 read with section 48(2)(a) can be levied either per head or per arm. It is for the administrative Department to consider how it should be levied. The draft rule which provides that the fee should be levied per arm does not go beyond the scope of section 10. However there would be no legal objection to levying the fee per head and in one lump sum as proposed.

The provisions for registration under section 10 and for obtaining licences under section 11 are quite distinct. The provisions for registration are obligatory and are intended to facilitate the work of enforcement of the Act. A holder of an arms licence, whether he has registered himself under section 10 or not, is prohibited from hunting any wild animal or bird, unless he holds a licence granted under the Act (Cf. section 9). Only those holders of arms licences who do not wish to hunt wild animals and birds may wait for registration until the date of the renewal of their arms licences. There is no legal objection to allowing such reasonable concession to these persons who do not take any advantage of the provisions of the Act.

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Similarly, there is no legal objection to granting exemption from registration for holders of certain arms licences (Cf. section 53).

In view of the words "who is exempt from the provisions of that Act and possesses any arms " used in section 10, it is obligatory on Rulers possession arms to get themselves registered under section 10.

To cover the points discussed above, revised draft rule 3(1) and Form No. 1 may be recast as in the appended draft. Except the amendments to the Rules suggested in the appended draft, no amendment is necessary in section 10 or any other provisions of the Act or the Rules to meet the doubts expressed at the meeting.

Id/-J.R.D. 9/1
Additional Secretary to Government.

Chief Secretary.

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